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09/848,229	05/04/2001	John Diachina	P12544-US1 BMOA	6245
7590	12/02/2004		EXAMINER	
David E. Bennett Coats & Bennett, PLLC 1400 Crescent Green Suite 300 Cary, NC 27511				WILSON, ROBERT W
			ART UNIT	PAPER NUMBER
			2661	
DATE MAILED: 12/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/848,229	DIACHINA ET AL.	
Examiner	Art Unit		
Robert W Wilson	2661		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 May 2001.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-30 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/5/02</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

1.0 The application of Diachina et. al. entitled EMERGENCY PACKET DATA SERVICE filed on 5/4/2001 without foreign priority was examined. Claims 1-30 are pending.

Claim Rejections - 35 USC § 102

2.0 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.0 **Claims 1-11** are rejected under 35 U.S.C. 102(e) as being anticipated by Lindgren (U.S. Patent No.: 6,775,534).

Referring to Claim 1, Lindgren et. al. teaches: In a network support infrastructure that receives packet data from mobile terminals (Figure 1 represents a network where the SIP reads on the mobile terminal), a method for processing packet data comprising:

Receiving a packet channel request message comprising an emergency indication from a mobile terminal (The RNC receives a channel request message from a SIP or mobile terminal per Fig 1 or per col. 2 line 60-col. 4 line 7)

Transmitting a packet uplink assignment message to the mobile terminal (The RNC sends uplink assignment message to the SIP or mobile terminal per Fig 1 or per col. 2 line 60-col. 4 line 7)

Receiving a packet data via uplink of a packet data channel (The GGSN uplink receives the request per Fig 1 or per col. 2 line 60-col. 4 line 7)

Determining a destination address for the packet data, the destination address identifying an emergency service entity (The GGSN determines the destination address of the server based upon whether the SIP is roaming and provides the destination address of the server back to the SIP in a SIP message per Fig 1 or per col. 2 line 60-col. 4 line 7)

And forwarding the packet data to the emergency service entity identified by the destination address (The SGSN forwards the packet to the appropriate server based upon the destination address received in the SIP message per Fig 1 or per col. 2 line 60-col. 4 line 7)

In Addition Lindgren teaches:

Regarding **Claim 2**, wherein the determining a destination address for the packet data comprises accessing a database comprising a plurality of destination addresses associated with a plurality of emergency service entities (The GGSN determines if the SIP is roaming or not and determines the appropriate call server based upon software which has an inherent data base per Fig 1 or col. 2 line 60-col. 4 line 7), and selecting the destination address from the database (The GGSN determines the destination address for the emergency packet base and forwards the packet per Fig 1 or per col. 2 line 60-col. 4 line 7)

Regarding **Claim 3**, wherein the selecting the destination address from the database further comprises selecting the destination address based on the information relating to the location of the mobile terminal transmitting the packet data (Software is utilized in the GGSN to determine if the SIP is roaming and thus determine the appropriate server destination address for the emergency services per Fig 1 per col. 2 line 60-col. 4 line 7)

Regarding **Claim 4**, wherein the mobile terminal transmits the packet data without being registered with the network support infrastructure for mobility management and without having an active packet data protocol context stored by the network support infrastructure (The system can assign the SIP a Temporary Mobile station identifier without having a packet data protocol context stored in order to process the emergency per col. 4 line 45-50 and Fig 1)

Regarding **Claim 5**, further comprising: processing additional packet data received from the mobile terminal that does not comprise an emergency indication in accordance with non-emergency processing rules (Fig 1 can process non emergency packets)

Regarding **Claim 6**, further comprising: receiving packet data from the emergency service entity and forwarding the packet data to the mobile terminal (The GGSN receives emergency data from the Call server and per Fig 1)

Referring to **Claim 7**, Lindgren et. al. teaches: A system for receiving and forwarding emergency packet data comprising a base station (Figure 1 is a system where the RNC, SGSN, and GGSN are components of the base station)

Receives a packet channel request message comprising an emergency indication from a mobile terminal (The RNC receives a channel request message from the SIP or mobile terminal per Fig 1 or per col. 2 line 60-col. 4 line 7)

Transmitting an uplink assignment message to the mobile terminal (The RNC transmits the uplink channel assignment to the SIP or mobile per Fig 1 or per col. 2 line 60-col. 4 line 7)

Receives a packet data via uplink of a packet data channel (The SGSN receives the request for emergency service per Fig 1 or per col. 2 line 60-col. 4 line 7)

Forwards the emergency packet data an emergency indication to a second node (The SGSN forwards the emergency packet data to the GGSN or second node per Fig 1 or per col. 2 line 60-col. 4 line 7)

Receives the emergency packet data an the emergency indication from the first node (The GGSN or second node receives the packet data request for emergency services from the SGSN Fig 1 or per col. 2 line 60-col. 4 line 7)

Determines the destination address for the emergency packet data, the destination address identifying an emergency service entity (The GGSN determines whether the SIP or mobile is roaming and determines the appropriate server's destination address associated with emergency services per Fig 1 or per col. 2 line 60-col. 4 line 7)

Forwards the emergency packet data to the emergency service entity identified by the destination address (Upon receipt an emergency packet with the destination address received from the SIP message the SGSN forwards the packet to the server with the destination address per Fig 1 or per col. 2 line 60-col. 4 line 7)

In Addition Lingren teaches:

Regarding **Claim 8**, further comprising: a database comprising a plurality of destination addresses associated with a plurality of emergency service entities (Software is utilized in the GGSN to determine if the SIP is roaming and thus determine the appropriate server destination address for the emergency services and the software has an inherent database per Fig 1 per col. 2 line 60-col. 4 line 7) and wherein when determining a destination address for the emergency packet data, the second nodes access the database and selects the destination address from the database software (The GGSN or second nodes access the software or database in order to determine the appropriate call server based upon whether the SIP has roamed per Fig 1 or per col. 2 line 60-col 4 line 7)

Regarding **Claim 9**, wherein the selecting the destination address from the database, the second node selects the destination address based on information relating to the location of the mobile terminal transmitting the emergency packet data (The GGSN determines if the SIP or mobile has roamed in order to determine the appropriate destination address per Fig 1 or per col. 2 line 60-col. 4 line 7)

Regarding **Claim 10**, wherein the second node receives the packet data from the emergency service entity, and forwards the packet data to the mobile terminal (GGSN or second node, Call server or emergency entity, and SIP or mobile terminal per Fig 1)

Regarding **Claim 11**, wherein the first node comprising a serving general packet radio service (GPRS) support node (SGSN) and the second node comprises a gateways GPRS support node (GGSN) (Fig 1)

Claim Rejections - 35 USC § 103

4.0 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5.0 **Claims 12 & 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindgren et. al. (U.S. Patent No.; 6,775,534) in view of Timonen et. al. (U.S. Patent No.; 6,741,848).

Referring to **Claims 12 & 13**, Lindgren teaches: The system of Claim 7,

Lindgren does not expressly call for: wherein the first node further: identifies an international mobile subscriber identity (IMSI) associated with the mobile terminal as being in a ready state, after receiving the emergency packet data as claimed in **Claim 12** or wherein the first node further: starts a timer after receiving the emergency packet data, the timer is set to a time period associated with processing the emergency packet data, transmits a notification to the second node if the time period is reached and, identifies the IMSI associated with the mobile terminal as being in an idle state, if the time period is reached as claimed in **Claim 13** but teaches a SGSN per Fig 1 and assigning a Temporary mobile station identifier per col. 4 lines 45-50.

Timonen teaches: identifies an international mobile subscriber identity (IMSI) associated with the mobile terminal as being in a ready state, after receiving the emergency packet data (col. 1 line 45-4 line 67) as claimed in **Claim 12** or wherein the first node further: starts a timer after

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receiving the emergency packet data, the timer is set to a time period associated with processing the emergency packet data, transmits a notification to the second node if the time period is reached and, identifies the IMSI associated with the mobile terminal as being in an idle state, if the time period is reached (col. 1 line 45-4 line 67) as claimed in **Claim 13**

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the ISMI and timer of Timonen to the SGSN of Lindgren in order to make sure that mobile terminal does not exceed the time allotted for this call service.

Claim Rejections - 35 USC § 103

6.0 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7.0 **Claims 14-21** rejected under 35 U.S.C. 103(a) as being unpatentable over Lindgren et al. (U.S. Patent No.: 6,775,534).

Referring to **Claim 14**, Lindgren et. al. teaches: A mobile terminal (SIP per Fig 1 or phone per Fig 3 or mobile terminal), comprising:

A transmit device that transmits a packet channel request message comprising an emergency indication (16 per Fig 3)

A receive device that receives a packet uplink assignment that assigns at least one radio block on an uplink of a packet data channel to the mobile terminal (SIP receives channel assignment from the RNC per Fig 1)

Processing logic that forwards emergency packet data to the transmit device, wherein the transmit device transmits the emergency packet data using logical link control layer protocol data units (The CONTROLLER has inherent processing logic which forwards the emergency packet and has a channel set up with the RNC. The RNC sets up channels in a GSM system per Fig 1 or per col. 2 line 60-col. 4 line 7)

Lindgren does not expressly call for: logical link control layer but teaches that the RNC in the GSM sets up a channel and sends a packet per Fig 1 or per col. 2 line 60-col. 4 line 7)

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It would have been obvious to one of ordinary skill in the art at the time of the invention that a packet is sent in a channel in a GSM by utilizing logical link control layer protocol.

In Addition Lindgren teaches:

Regarding **Claim 15**, wherein the receive device receives packet data from an emergency service entity in response to the transmitting the emergency packet data (The SIP has an receive device per Fig 1)

Regarding **Claim 16**, wherein the mobile terminal transmits the emergency packet data without being registered with network support infrastructure and without having an active packet data protocol context stored n the network support infrastructure (The system can assign the SIP a Temporary Mobile station identifier without having a packet data protocol context stored in order to process the emergency per col. 4 line 45-50 and Fig 1)

Referring to **Claim 17**, Lindgren et. al. teaches: A system for receiving and forwarding packet data (system per Fig 1), comprising a base station (RNC, SGSN, & GGSN are components of the base station per Fig 1) that:

A base station that receives an emergency packet channel request message from a mobile terminal ant transmits an uplink assignment message to the mobile terminal (The RNC, SGSN, & GGS per Fig 1 received an emergency packet channel request from a SIP or mobile terminal)

A serving general packet radio service (GPRS) support node (SGSN) receives packet data via n uplink of a packet data channel and forwards a payload portion of the packet data and an emergency indication (GPRS per Fig 1)

A GGSN that receives the payload portion of the packet data and emergency indication from the SGSN, determines a destination address for the packet data ,determines a destination address for the packet data, the destination address identifying an emergency service entity, and forwards the packet data to the emergency service entity identified by the destination address (The GGSN receives an emergency request and forwards the IP packet to the Server per Fig 1. The IP packet has an inherent payload and destination address)

Claim Rejections - 35 USC § 103

8.0 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9.0 Claims 18-21 & 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lindgren (U.S. Patent No.: 6,775,534 B2).

Referring to **Claims 18-21**, Lindgren teaches the system of Claim 17 and wherein the GGSN receives the packet data from the emergency service entity and forward the packet data to the mobile terminal via the SGSN (Fig 1) as claimed in Claim 20 and wherein the SGSN identifies the mobile terminal as being in a ready state after receiving the payload portion of the packet data and the emergency indication the ready state indicating the mobile terminal is able to use network-related service to receive the packet data (The SIP or mobile terminal receives a SIP message per Fig 1)

Lindgren does not expressly call for: wherein the mobile terminal transmits the packet data to the SGSN using logical link control (LLC) layer protocol data units (PDU) and SGSN forwards the payload portion and the emergency indication of the GGSN using Internet Protocol (IP) layer PDU but teaches sending IP packets which are assigned to a channel by the RNC per Fig 1 as claimed in Claim 18 or wherein the GGSN forwards the payload portion of the emergency service entity via a network using IP layer PDU but teaches that the IP packets are sent per Fig 1 as claimed in Claim 19,

It would have been obvious to one of ordinary skill in the art at the time of the invention that the SIP sends the IP packets using LLC protocol data units to the RNC which forwards the IP packet to the SGSN and that IP packets have an inherent data portion or payload per Fig 1 as claimed in Claim 18 and that the GSSN forwards the data portion of the IP packet or payload the the call server or emergency entity per Fig 1 as claimed in Claim 19.

Referring to **Claim 24**, Lindgren teaches: the system of claim 17

Lindgren does not expressly call for: further comprising a plurality of destination addresses associated with a plurality of emergency service entities, and wherein when determining a destination address for the packet data, the GGSN selects the destination address from the database based on a location of the SGSN from which it received the packet data and the associated emergency indication but teaches that the GGSN software whether the SIP is or is not roaming and thus determines the destination address of the call server or emergency entity per Fig 1 or per col. 2 line 60-col. 4 line 7.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the software in the GGSN performs the same function as the database and that the SGSN would also vary with the roaming of the SIP.

Claim Rejections - 35 USC § 103

10.0 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11.0 **Claims 22-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindgren et al. (U.S. Patent No.: 6,775,534) in view of Timonen et. al. (U.S. Patent No.; 6,741,848).

Referring to Claim 22-23, Lindgren teaches: the system of claim 17,

Lindgren does not expressly call for: wherein the SGSN starts a timer after receiving the payload portion of the packet data and the emergency indication and restates the packet data from the emergency service entity is received by the SGSN as claimed in Claim 22, or wherein the SGSN identifies the mobile terminal as being in an idle station when the timer reaches a predetermined value as claimed in Claim 23 but teaches an SGSN and emergency processing per Fig 1

Timonen teaches: wherein the SGSN starts a timer after receiving the payload portion of the packet data and the emergency indication and restates the packet data from the emergency service entity is received by the SGSN (Starting a timer associated with services per col. 1 line 5- col.4 line 67) as claimed in Claim 22 or wherein the SGSN identifies the mobile terminal as being in an idle station when the timer reaches a predetermined value (start a timer col. 1 line 5- col.4 line 67. It would have been obvious to one of ordinary skill in the art at the time of the invention that the mobile would be idle when the timer time limit has been exceeded because processing would be turned off) as claimed in Claim 23

It would have been obvious to one of ordinary skill in the art at the time of the invention to add timer of Timonen to the SGSN or Lindgren in order to ensure that time limits associated with services have not been exceeded.

Claim Rejections - 35 USC § 102

12.0 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

13.0 Claims 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Lindgren (U.S. Patent No.: 6,775,534).

Referring to **Claim 25**, Lindgren et. al. teaches: In a network comprising a mobile terminal, a base station, at least two network support nodes and at least one emergency service entity (Figure 1 shows a SIP or mobile terminal and a RNC or and has a SGSN and GGSN or at least two network support nodes and an Server or emergency service entity), a method for processing packet data comprising:

transmitting a packet channel request message comprising an emergency indication from a mobile terminal to the base station (The SIP or mobile terminal sends the request to the RNC or base station per Fig 1 or per col. 2 line 60-col. 4 line 7)

Transmitting a packet uplink assignment message to the mobile terminal (The RNC transmits a channel assignment message back to the SIP or mobile per Fig 1 or per col. 2 line 60-col. 4 line 7)

Transmitting a data packet on an uplink of a packet data channel (The RNC forwards the emergency request packet uplink to the SGSN per Fig 1 or per col. 2 line 60-col. 4 line 7)

Receiving the packet data at a first network support node (The SGSN or first node receives the data packet Fig 1 or per col. 2 line 60-col. 4 line 7)

Determining whether the packet data relates to an emergency message (The SGSN determines whether the packet data relates to an emergency message per Fig 1 or per col. 2 line 60-col. 4 line 7)

Forwarding the packet data and the emergency indication to a second network node , when the packet data relates to the emergency message (The packet is forward to the GGSN or second node per Fig 1 or per col. 2 line 60-col. 4 line 7)

Determining a destination address for the packet data, the destination address identifying an emergency service entity (Based upon whether the SIP is roaming or not the GGSN determines the destination address of the appropriated server Fig 1 or per col. 2 line 60-col. 4 line 7)

Transmitting the packet data to the emergency service entity identified by the destination address (The GGSN forwards the packet data to the server or emergency service entity per Fig 1 or per col. 2 line 60-col. 4 line 7)

In Addition Lindgren teaches:

Regarding **Claim 26**, further comprising: receiving packet data from the emergency service entity (Call server per Fig 1) and forwarding the data packet to the mobile terminal via the first and second network nodes (The Call server forwards the data packets for emergency service to the GGSN or second node and then to the SGSN or first node per Fig 1)

Referring to **Claim 27**, Lindgren et. al. teaches: A system (System per Fig 1) comprising:

A mobile terminal that transmits packet data and an emergency indication relating to the packet data (The SIP per Fig 1 or per col. 2 line 60-col. 4 line 7 or mobile terminal)

A first node that receives the packet data an the emergency indication and forwards the packet data and the emergency indication (The SGSN or first node receives the emergency indication and forwards the IP packet per Fig 1 or per col. 2 line 60-col. 4 line 7)

A second node that receives the packet data and the emergency indication from the first node (The GGSN or second node receives from the SGSN or first node per Fig 1 or per col. 2 line 60-col. 4 line 7 or second node)

Determines the destination address for the packet data and forwards the packet data to the emergency service entity identified by the destination address (Based upon whether SIP is roaming or not roaming the GGSN determines the destination address for the appropriate server and forwards the packet per Fig 1 or per col. 2 line 60-col. 4 line 7)

Claim Rejections - 35 USC § 103

14.0 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15.0 Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindgren (U.S. Patent No.: 6,775,534).

Referring to Claim 28, Lindgren teaches: A computer-readable medium having stored thereon a plurality of sequences of instructions, which when executed by at least one processor, cause said processor to perform a method for processing packet data (Figure 1 teaches the method for processing packet data) comprising:

Receiving a packet channel request message comprising an emergency indication from the mobile terminal (The RNC receives an emergency indication message from the SIP or mobile terminal per Fig 1 or per col. 2 line 60-col. 4 line 7)

Transmitting an uplink assignment message to the mobile terminal (RNC sends a channel assignment message to the SIP or mobile terminal per Fig 1 or per col. 2 line 60-col. 4 line 7)

Receiving a packet data and the emergency indication (The GGSN receives the packet with the emergency indication per Fig 1 or per col. 2 line 60-col. 4 line 7)

Accessing a database comprising a plurality of destination addresses associated with a plurality of emergency service entities (Based upon whether the SIP is roaming or not the GGSN determines the appropriate Server from a plurality of servers or emergency service entities from a software which inherently has a table or database per Fig 1 or per col. 2 line 60-col. 4 line 7)

Selecting a destination address for the packet data from the database (Based upon whether the SIP is roaming or not the GGSN assigns a destination address for the appropriate Server from a plurality of servers or emergency service entities from a software which inherently has a table or database per Fig 1 or per col. 2 line 60-col. 4 line 7)

Forwards the packet data and the emergency indication to the emergency service entity identified by the destination address (The GGSN forwards the packet per Based upon whether the SIP is roaming or not the GGSN determines the appropriate Server from a plurality of servers or emergency service entities from a software which inherently has a table or database per Fig 1 or per col. 2 line 60-col. 4 line 7)

Lindgren does not expressly call for: a computer readable medium which has the instructions stored on it to perform the instructions in a processor but teaches the method as described above.

It is within the level of one skill in the art at the time of the invention to implement the method of Lindgren in hardware and software or instructions. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the instructions on a computer readable medium so that they could be executed on a processor.

In Addition Lindgren teaches:

Regarding **Claim 29**, wherein the selecting a destination address for the packet data comprises: selecting the destination address based on information relating to the location of the mobile terminal (The GGSN determines the destination address based upon whether the SIP or mobile terminal is roaming or not roaming per Fig 1)

Claim Rejections - 35 USC § 103

16.0 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17.0 Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson et. al. (U.S. Patent No.: 6,807,409) in view of Lindgren (U.S. Patent No.: 6,775,534).

Referring to Claim 30, Davidson teaches: A network device for receiving and forward packet data (Base Station in a GSM system per Fig 1) comprising :

A memory for storing instructions for processing emergency packet data (108 or 120 per Fig 1)

A processing device that receives an emergency packet channel request from a mobile terminal, that receives an emergency packet channel request message from a mobile terminal (Base station that receives emergency calls in a GSM system from a mobile terminal per Fig 1)

Davidson does not expressly call for: receiving an emergency packet channel request from a mobile terminal, that receives an emergency packet channel request message from a mobile terminal, transmits an uplink assignment message to the mobile terminal , receives emergency packet data via an uplink of a packet data channel, determines a destination address for the emergency packet data, where the destination address identifies an emergency service entity, and forwards the emergency packet data to the emergency service entity.

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Lindgren teaches: receiving an emergency packet channel request from a mobile terminal (The RNC receives an emergency indication message from the SIP or mobile terminal per Fig 1 or per col. 2 line 60-col. 4 line 7), that receives an emergency packet channel request message from a mobile terminal (The RNC receives an emergency indication message from the SIP or mobile terminal per Fig 1 or per col. 2 line 60-col. 4 line 7,

transmits an uplink assignment message to the mobile terminal (RNC sends a channel assignment message to the SIP or mobile terminal per Fig 1 or per col. 2 line 60-col. 4 line 7)

receives emergency packet data via an uplink of a packet data channel (The GGSN receives the packet with the emergency indication per Fig 1 or per col. 2 line 60-col. 4 line 7),

determines a destination address for the emergency packet data (Based upon whether SIP is roaming or not roaming the GGSN determines the destination address for the appropriate server per Fig 1 or per col. 2 line 60-col. 4 line 7),

where the destination address identifies an emergency service entity, and forwards the emergency packet data to the emergency service entity (Based upon whether SIP is roaming or not roaming the GGSN determines the destination address for the appropriate server or servers and forwards the packet to the server or servers or emergency service entities per Fig 1 or per col. 2 line 60-col. 4 line 7)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the processing of Lindgren to the base station of Davidson in order to process emergencies.

Conclusion

18.0 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Garth et. al.; EP 0 789 498 published on August 13, 1997 in which he discloses vehicular emergency message system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W Wilson whose telephone number is 571/272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on 571/272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert W. Wilson
Robert W Wilson
Examiner
Art Unit 2661

RWW
November 16, 2004

KV
KENNETH VANDERPUYE
PRIMARY EXAMINER